

From: Derek Mason
To: Microsoft ATR
Date: 1/12/02 1:36pm
Subject: Microsoft Settlement

It is a very sad day in American history to see the DOJ abandoning its role of protecting the American public. It's issues such as the gov't's unwillingness to truly do what is right w/ MS that leads the public to see the U.S. gov't as corrupt, ineffective and protecting corporate interests over the needs of the general public.

The real issue in the MS case is stopping its monopolizing practices, which leads to further abuses and encroachments on constitutional protections. Corporate monopolies develop and function in a fashion not unlike authoritarian regimes, such as fascism.

The proposed settlement really doesn't do anything to accomplish this. The proof of this should be readily apparent to well-trained attorneys and constitutional experts. One needs only to look at MS's most recent behavior to grasp how ineffectual the DOJ has been.

Windows XP requires the purchaser to acquire an activation code from MS upon installation. This code is really an inventory of one's computers hardware. MS says it does not gather individually indentifying information from the computer, but my computer hardware is my property, and I have a right to privacy regarding its content and use.

The claim that activation is separate from registration, which is essential for access to a variety of necessary services, such as the support system. Registration does require submission of identifying information, but MS claims it keeps this separate from activation.

What guarantee do I have that MS will do this? Given their behavior in the past, only a naive idiot would accept this. It is unimaginable that the DOJ allows this. The founders of our nation would be aghast at allowing a government agency to do this, let alone a private company.

Yet, MS is undaunted in its practice because I believe they know they can do what they want without any real action from the DOJ, or other regulatory body. It bespeaks the kind of arrogance of the early monopolists like JP Morgan, Rockefeller and the other early 20th century industrial tycoons.

I do not believe that MS paranoia about losing profits from software privacy entitles them to infringe on the civil liberties of Americans. Apparently, the DOJ believes this as well because it has failed to stop the MS monopoly.

As if this activation isn't enough, MS is even more intrusive. If you change some of the hardware in your computer, such as cpu, ram chips, harddrive, firewire cards, Windows XP de-activates itself. You are then required to call MS and tell them what you have done to your computer!. I added a firewire card to my pc, and had to call them. It took two days to get a live person, but we've lived with that for many years. When I reached their agent, she said, "So, what are we doing today?" The implication being that they were entitled to know what I was doing with my pc. Incredible!

MS doesn't have a right to know this. They have sold me a copy of XP, and it does not include my giving up my rights to privacy.

The point is that we are forced to put up with this because: We have no other viable options when it comes to an OS. They have a monopoly. Why doesn't the DOJ grasp this? Does the settlement get at this? Obviously not because MS continues to do these kinds of things.

One can also see very clearly where they're heading next. It doesn't take a genius to see that they are going to incorporate MSN into the OS, just as they did with Explorer. Then signs are already there. To get access to certain services, such as support, you have to have MS Passport, which is part of MSN. Further you have to take their instant messaging, and you cannot even delete it from your system.

They have recently bought QWest's internet system, which is now MSN. So they now have their own internet. The next step is to claim MSN is part of the OS, and force people to pay for it in order to access the internet. They will do this by changing Internet Explorer to MSN.

The DOJ's settlement with MS is an abandonment of the US constitution, and the ideals that it embodies. The real solution is to take the API and make it public domain, or force them out of every other business avenue they have been pursuing, MSN, internet service provision, non-OS applications, and to stop them from abridging privacy.

It is hard to understand why DOJ cannot find the courage to what is so obviously right for the American people, and in their best interest, not a corporation's. Big Brother is here alright, but Orwell was wrong in thinking it was the federal gov't, it's Microsoft.

Derek Mason
Smithfield, UT